



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

November 10, 1992

Mr. Don E. Walden  
Texas Alcoholic Beverage Commission  
Legal Division  
P. O. Box 13127  
Austin, Texas 78711-3127

OR92-638

Dear Mr. Walden:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, article 6252-17a, V.T.C.S. Your request was assigned ID# 16690.

You have received a request for information relating to a certain investigation conducted by the Texas Alcoholic Beverage Commission (the "commission"). Specifically, the requestor seeks records "regarding any investigation done pursuant to the automobile accident involving Mike Rocos Bosquez which occurred on or about January 24, 1992, [including] . . . any witness statements pertaining to DJ's No. II in connection with Mr. Bosquez." You claim that the requested information is excepted from required public disclosure by section 3(a)(8) of the Open Records Act.

Section 3(a)(8) of the act excepts:

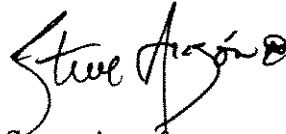
records of law enforcement agencies and prosecutors that deal with the detection, investigation, and prosecution of crime and the internal records and notations of such law enforcement agencies and prosecutors which are maintained for internal use in matters relating to law enforcement and prosecution.

Where an incident involving allegedly criminal activity is still under active investigation or prosecution, section 3(a)(8) may be invoked by any proper custodian of information which relates to the incident. Open Records Decision No. 474 (1987) at 4-5.

The Hale County District Attorney's Office advises us that the requested information relates to a pending criminal prosecution. We have examined the documents submitted to us for review and conclude that the requested information may be withheld in its entirety under section 3(a)(8) of the Open Records Act.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please refer to OR92-638.

Yours very truly,

A handwritten signature in black ink that reads "Steve Aragón". The signature is stylized with a large, flowing "S" and a distinct "A" and "R".

Steve Aragón  
Assistant Attorney General  
Opinion Committee

SA/GCK/lmm

Ref.: ID# 16690  
ID# 16745

cc: Mr. Bud Grossman  
Carr, Fouts, Hunt, Craig, Tempill & Wolf, L. L. P.  
1001 Texas Avenue  
Lubbock, Texas 79401